

FIRST REGULAR SESSION

# SENATE BILL NO. 258

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time January 11, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

0943S.02I

## AN ACT

To repeal section 546.720, RSMo, and to enact in lieu thereof one new section relating to executions, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 546.720, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 546.720, to read as follows:

546.720. 1. The manner of inflicting the punishment of death shall be by  
2 the administration of lethal gas or by means of the administration of lethal  
3 injection. And for such purpose the director of the department of corrections is  
4 hereby authorized and directed to provide a suitable and efficient room or place,  
5 enclosed from public view, within the walls of a correctional facility of the  
6 department of corrections, and the necessary appliances for carrying into  
7 execution the death penalty by means of the administration of lethal gas or by  
8 means of the administration of lethal injection.

9       **2. The director of the department of corrections shall select an**  
10 **execution team. The team shall consist of the individuals who**  
11 **administer lethal gas or lethal chemicals and the individuals, such as**  
12 **medical personnel, who provide direct support for the administration**  
13 **of such lethal gas or lethal chemicals. The identities of members of the**  
14 **execution team shall be kept confidential. A record that could identify**  
15 **a person as being a current or former member of an execution team**  
16 **shall be privileged and a closed record under chapter 610, RSMo, and**  
17 **shall not be subject to discovery, subpoena, or other means of legal**  
18 **compulsion for disclosure to any person or entity. Any execution**  
19 **protocol of the department of corrections is a closed record under**  
20 **chapter 610, RSMo, except for the provision of such execution protocol**

21 that directly relates to the administration of lethal gas or lethal  
22 chemicals.

23       3. Any person who knowingly discloses the identity of a former  
24 or current member of an execution team without the express approval  
25 of the director of the department of corrections commits a class A  
26 misdemeanor.

27       4. Notwithstanding any provision of law to the contrary, if a  
28 member of the execution team is licensed by a board or department, the  
29 licensing board or department shall not censure, reprimand, suspend,  
30 revoke, or take any other disciplinary action against the person's  
31 license because of his or her participation in a lawful execution. All  
32 members of the execution team are to be considered as employees of  
33 the state for the purpose of the state legal expense fund established  
34 under section 105.711, RSMo.

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Bill

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